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JUL 19 2005 Docket No. 740105-68

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:) Group Art Unit: 2654
Hans LEYSIEFFER) Examiner: V. Paul Harper
Serial No. 09/896,836) Confirmation No. 5870
Filed: 07-02-2001) Date: July 19, 2005
For: SYSTEM FOR REHABILITATION OF A)
HEARING DISORDER)

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office: Fax No. 571-273-8300 on July 19, 2005.

Kathleen M. McManus
Kathleen M. McManus

SUBMISSION OF REPLACEMENT COPY OF
REQUEST FOR CONTINUED EXAMINATION (RCE)

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

A Request for Continued Examination (RCE) Transmittal, Fee Transmittal and Petition for Extension of Time were faxed to the U.S. Patent and Trademark Office June 7, 2004, copies of the delivery notice confirmation and Request for Continued Examination (RCE) Transmittal, Fee Transmittal and Petition for Extension of Time are attached. It is noted, in PAIR, under File History, there is an entry for June 7, 2005, of "Workflow incoming petition IFW" which indicates that the original was received, even though it was never processed for entry.

Accordingly, since the original documents appear to have become lost within the Office, it is requested that the attached duplicate copies be entered and used for purposes of further examination. Furthermore, prompt action upon the Amendment filed in September, 2004, is also now requested.

Respectfully submitted,

David S. Safran
David S. Safran
Registration No. 27,997

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JUL 20 2005

Customer No. 22204
NIXON PEABODY LLP
401 9th Street, NW, Suite 900
Washington, DC 20004-2128
Telephone: (703) 827-8094

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<p>REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL</p> <p>Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).</p>	Application Number	09/896,836
	Filing Date	07/02/2001
	First Named Inventor	Hans LEYSIEFFER
	Group Art Unit	2654
	Examiner Name	V. Paul Harper
	Attorney Docket Number	740105-68

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB-29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

a. Previously submitted

i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____ (Any unentered amendment(s) referred to above will be entered).

ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

iii. Other _____

b. Enclosed

i. Amendment/Reply iv. Fee Transmittal For FY 2004

ii. Affidavit(s)/Declaration(s) v. Petition for Three-month Extension of Time

iii. Information Disclosure Statement (IDS)

2. Miscellaneous

a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of three (3) months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required)

b. Other _____

3. Fees

The RCE fee under 37 C.F.R. § 1.17(c) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a. The Director is hereby authorized to charge the following fees, additional fees which may be required, or credit any overpayments, to Deposit Account No. 19-2380(740105-68).

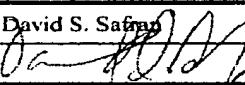
i. RCE fee required under 37 C.F.R. § 1.17(c)

ii. Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)

iii. Other Suspension Fee _____

b. Check in the amount of \$ _____ enclosed

c. Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print/Type)	David S. Saffran	Registration No. (Attorney/Agent)	27,997
Signature		Date	June 7, 2004

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or being facsimile transmitted to the USPTO at 703-872-9306, on June 7, 2004.	
Signature:	
Name:	Kathleen M. McManus

07/20/2005 ZHUHAR1 00000032 192380 09896836
01 FC:1601 790.00 DA

SEND TO: Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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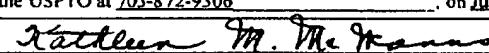
REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL		Application Number	09/896,836
		Filing Date	07/02/2001
		First Named Inventor	Hans LEYSIEFFER
		Group Art Unit	2654
		Examiner Name	V. Paul Harper
		Attorney Docket Number	740105-68

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. **NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000); 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114	
a. <input type="checkbox"/> Previously submitted	
i. <input type="checkbox"/> Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____ (Any unentered amendment(s) referred to above will be entered).	
ii. <input type="checkbox"/> Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____	
iii. <input type="checkbox"/> Other _____	
b. <input checked="" type="checkbox"/> Enclosed	
i. <input type="checkbox"/> Amendment/Reply	iv. <input checked="" type="checkbox"/> Fee Transmittal For FY 2004
ii. <input type="checkbox"/> Affidavit(s)/Declaration(s)	v. <input checked="" type="checkbox"/> Petition for Three-month Extension of Time
iii. <input type="checkbox"/> Information Disclosure Statement (IDS)	
2. Miscellaneous	
a. <input checked="" type="checkbox"/> Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of <u>three</u> (3) months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(f) required)	
b. <input type="checkbox"/> Other _____	
3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.	
a. <input checked="" type="checkbox"/> The Director is hereby authorized to charge the following fees, additional fees which may be required, or credit any overpayments, to Deposit Account No. 19-2380(740105-68).	
i. <input checked="" type="checkbox"/> RCE fee required under 37 C.F.R. § 1.17(e)	
ii. <input checked="" type="checkbox"/> Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)	
iii. <input checked="" type="checkbox"/> Other Suspension Fee _____	
b. <input type="checkbox"/> Check in the amount of \$ _____ enclosed	
c. <input type="checkbox"/> Payment by credit card (Form PTO-2038 enclosed)	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print/Type)	David S. Safra	Registration No. (Attorney/Agent)	27,997
Signature		Date	June 7, 2004

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or being facsimile transmitted to the USPTO at 703-872-9306, on June 7, 2004.			
Signature:			
Name:	Kathleen M. McManus		

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FEE TRANSMITTAL FOR FY 2004

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT **(\$1850.00)**

Complete if Known

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Application Number	09/896,836
Filing Date	07/02/2001
First Named Inventor	Hans LESIEFFER et al.
Examiner Name	V. Paul Harper
Art Unit	2654
Attorney Docket No.	740105-68

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None

Deposit Account:

Deposit Account Number
19-2380(740105-68)

Deposit Account Name
Nixon Peabody LLP

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) **(\$ 0)**

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
	-20** =		= 0
Independent Claims	-3** =		= 0
Multiple Dependent		X	= 0

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) **(\$ 0)**

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	
Fee Code (\$)	Fee Code (\$)		
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(n))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) Suspension fee

*Reduced by Basic Filing Fee Paid

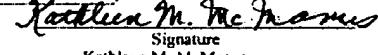
SUBTOTAL (3) **(\$1850.00)**

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

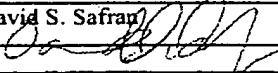
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 transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) _____

June 7, 2004
Date


Signature
Kathleen M. McManus
Typed or printed name

SUBMITTED BY

Name (Print/Type)	David S. Safran	Registration No. (Attorney/Agent)	27,997	Telephone	(703) 827-8094
Signature				Date	June 7, 2004

07/20/2005 ZJUHAR1 00000032 192380 09896836

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